

Emerging environmental issues in Illinois from the perspective of the Illinois Environmental Protection Agency

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Illinois EPA - Personnel

- Director – Alec Messina
- Bureau of Water Chief – Sanjay Sofat
- New hiring

Regulatory Reform

- Public Act 99-370 – Business Assistance and Regulatory Reform Act
- Executive Order 2016-13 – Illinois Competitiveness Council

Regulatory Reform

- Review criteria for regulations:
 - Up to date/reflective of current functions and programs
 - Drafted in clear, understandable terms
 - Consistent with other Agencies' rules
 - Do not create undue delay or backlog in processing paperwork
 - Not unduly burdensome on business, no negative effect on job growth
 - Not unduly burdensome on social service providers or recipients
 - Clear need and statutory authority

Clean Power Plan

- The Clean Power Plan (CPP) sets national limits on carbon dioxide emissions from electric generating units
- Section 111(d) of the Clean Air Act
- Establishes state-specific interim and final goals

Clean Power Plan

- Creates requirements and guidance on State Plan development to meet reductions
- Sets deadlines for final State Plan and meeting Interim/Final Goals

Clean Power Plan

- Illinois has 22 affected sources:
 - 16 coal-fired power plants
 - 6 natural gas combined cycle plants
- Coal-fired power plant shutdowns continue due to natural gas boom, new regulations, power market effect

Clean Power Plan

- 24 states, utilities, coal companies filed suit to stop CPP
- US Supreme Court issued stay
- Case before the DC Circuit Court of Appeals
- Arguments heard September 27, 2016

Clean Power Plan

- Illinois has conducted outreach with interested and affected parties
- Illinois is awaiting end of litigation

Expedited Permits

- Part of Permit Streamlining approach
- Allows for better planning by permit applicant
- Does not impact other permit applicants in queue
- Any permit applicant can request expedited review, IEPA must respond in reasonable time

Expedited Permits

- Expedited fee is four times standard permit fee plus standard permit fee
- Fees refunded on pro rata basis if schedule not met
- Contract entered into between IEPA and permit applicant

Expedited Permits

2011: 11

2012: 15

2013: 3

2014: 36

2015: 44

2016: 54

Clean Air Act Permit Program

- IEPA's Clean Air Act Permit Program (CAAPP) implements Title V of the Clean Air Act (CAA)
- CAAPP renewal backlog was high
- Over past three years IEPA has reduced backlog consistent with USEPA workplan

Clean Air Act Permit Program

- Keys to reduction of permit backlog:
 - Management focus
 - Increased permit staff
 - Involved permit applicant

Permit by Rule

- Rule/regulation that takes place of permit
- Section 39.12(c) of Illinois Environmental Protection Act (EPAct) requires IEPA to consult with regulated community on possible permits by rule (PBRs)
- IEPA recently proposed first PBR – changes construction permit process for small gas-fired package boilers at CAAPP sources

Permit by Rule

- IEPA worked closely with stakeholders
- PBR will reduce IEPA resources directed towards the permit process
- Owners/operators of affected boilers will reduce resources spent on preparing and obtaining construction permit
- Projected to remove need for 8 to 12 construction permits per year

Sorbents

- Section 9 of the Use Tax Act provides the Illinois Department of Revenue (DOR) pay into the Clean Air Act Permit Fund 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of sorbent used in Illinois for sorbent injection to comply with the EPAct or CAA
- Total payment shall not exceed \$2M in any fiscal year

Sorbents

- Section 2j of the Retailers' Occupation Tax Act provides certain Illinois sources (i.e., coal-fired power plants) are required to report monthly purchase of sorbents for use in mercury control to DOR
- Payments from sorbent tax have declined from initial full payment

Sorbents

- Possible causes for decreased payments are declining use of sorbent, sources may not be fully reporting, and tax exempt status of sources

PSD Rulemaking

- Public Act 99-463 amended the EPA Act to require the Illinois Pollution Control Board (IPCB) to adopt Nonattainment New Source Review and Prevention of Significant Deterioration (PSD) permit programs that meet Part 165 of the CAA
- Bill sponsors wanted a more streamlined state-based permit process no more stringent than federal requirements

PSD Rulemaking

- Illinois has a delegated state PSD program
- PA 99-463 requires the creation of a federally approved state-based program
- Appeals will be taken to the IPCB rather than the federal Environmental Appeals Board
- New state regulations will be needed

WQS Variance

- In 2015, the IPCB established a year-round chloride water quality standard (WQS) for the Chicago Area Waterway System (CAWS) and Lower Des Plaines River
- Chloride standard of 500 mg/l goes into effect on July 1, 2018
- IEPA and stakeholders had concerns for long term compliance with chloride WQS
- IPCB noted this concern in its final opinion, stated the delayed effective date intended to allow a work group time to develop a proposal

WQS Variance

- Several variance petitions filed with IPCB immediately following adoption of the chloride WQS
- Petitions filed to obtain a stay and to raise compliance concerns
- IEPA and stakeholders, led by the Metropolitan Water Reclamation District of Greater Chicago, formed a workgroup to consider approaches for compliance
- Workgroup looked to a federal variance as a model

WQS Variance

- USEPA utilizes a WQS variance pursuant to federal rules that provide a comprehensive regulatory structure
- Illinois will need legislation and regulations to create a state WQS variance
- Senate Bill 577 would create a new statutory type of WQS variance
- State regulations are being discussed

Lead in Drinking Water

- National concerns, such as those in Flint, Michigan, have led to heightened awareness and concerns for lead in drinking water
- Interest groups have included IEPA and the Illinois Department of Public Health in negotiations for new statutory requirements
- Senate Bill 550 would create new requirements for identification of lead hazards and testing/analysis

Questions?

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